

TO: The Honorable Board of Supervisors

FROM: B. Clayton Goodman, III, County Administrator
L. Carol Edmonds, Assistant County Administrator

DATE: March 9, 2009

SUBJECT: AGENDA REPORT

I. CALL TO ORDER

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. DELEGATIONS

**A. SUBJECT: VIRGINIA DEPARTMENT OF
TRANSPORTATION**

Virginia Department of Transportation

David Clarke, VDOT Residency Administrator, will update the Board of Supervisors on road issues/concerns in Montgomery County.

B. SUBJECT: UPDATE ON THE COURTHOUSE PROJECT

Update on the Courthouse Project

Jack Murphy, Thompson + Litton, will provide an update on the Courthouse Project.

V. PUBLIC HEARINGS

A. SUBJECT: BOARD OF SUPERVISORS

The following public hearing was advertised pursuant to law in the Current Section of the Roanoke Times on February 22, 2009 and March 1, 2009.

1. Issuance of Virginia General Obligation School Bonds
A resolution authorizing the issuance of up to \$7,875,000 principal amount of general obligation school bonds of the County of Montgomery, Virginia. The Bonds are to be issued for financing a portion of the costs of the acquisition, construction, and equipping of the new Elliston-Lafayette and Shawsville Elementary School for public school purposes and are expected to be sold to the Virginia Public School Authority under the Subsidy Program. See TAB A for a copy of the proposed resolution and a copy of the School Board's resolution requesting the Board of Supervisors issue the General Obligation School Bonds.

VI. PUBLIC ADDRESS

VII. INTO WORK SESSION

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. FY 2009-2010 Budget Presentation

VIII. OUT OF WORK SESSION

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

IX. ADDENDUM

X. CONSENT AGENDA

XI. OLD BUSINESS

A. SUBJECT: SPECIAL USE PERMIT- TWO WAY RADIO

**R-FY-09-
SPECIAL USE PERMIT
TWO-WAY RADIO, INC.
FOR THE PURPOSE OF ALLOWING A CONTRACTOR'S SERVICE
ESTABLISHMENT IN A GENERAL BUSINESS (GB) ZONING DISTRICT IN
THE PRICES FORK MAGISTERIAL DISTRICT (DISTRICT E)
PARCEL ID 002520; TAX MAP NUMBER 067-4-3**

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia a request by **Two-Way Radio, Inc.** for a **Special Use Permit (SUP)** on approximately 0.52 acres in a General Business (GB) zoning district to allow a **Contractor's Service Establishment** is found to be consistent with the County's Comprehensive Plan and is hereby **approved** with the following conditions:

1. This special use permit authorizes a contractor's service establishment in a general business zoning district at 310 Ferguson Drive.
2. Parking spaces shall be repainted prior to commencement of business as authorized by this special use permit at 310 Ferguson Drive.
3. The parking configuration shall be as follows, five (5) spaces perpendicular to entrance facing north side of property, two (2) parallel spaces along the southern side of the property, one (1) handicapped space with loading zone in front of building, and two (2) spaces interior of building, for a total of nine (9) standard spaces and one (1) handicapped space per site plan submitted by applicant on January 5, 2009.
4. On-street parking on Ferguson Drive shall not be permitted. No more than ten (10) vehicles shall be parked on site.
5. Per VDOT letter dated January 6, 2009 the property owner shall remove the freestanding sign at the entrance along with two (2) trees and two (2) shrubs. The trees and shrubs shall be replanted in a more suitable location on the site. The removal/relocation shall be completed prior to

commencement of business as authorized by this special use permit at 310 Ferguson Drive.

The property is located at 310 Ferguson Drive, and is identified as Tax Parcel No(s) 067-4-3; Parcel ID 002520, in the Prices Fork Magisterial District (District E). This property currently lies in an area designated as Urban Expansion in the Comprehensive Plan.

ISSUE/PURPOSE: At their regular meeting on February 11, 2009, the Planning Commission recommended approval to the Board of Supervisors. See TAB H.

B. SUBJECT: SPECIAL USE PERMIT – MSH OF VA, LLC

**R-FY-09-
SPECIAL USE PERMIT
MSH OF VA, LLC
FOR THE PURPOSE OF ALLOWING FARM MACHINERY SALES
AND SERVICE, AND FEED AND SEED STORE
IN A COMMUNITY BUSINESS (CB) ZONING DISTRICT
IN THE PRICES FORK MAGISTERIAL DISTRICT (DISTRICT E)
PARCEL ID 013755; TAX MAP NUMBER 51-A-101, 101A**

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia a request by **MSH of VA, LLC** (Agent: Larry Smith) for a Special Use Permit (SUP) on approximately 1.924 acres in a Community Business (CB) zoning district to allow **farm machinery sales and service**, and **feed and seed store** is hereby **approved** with the following conditions:

1. This Special Use Permit authorizes the use of the property located at 4338 Prices Fork Rd. for repair and maintenance of small engine equipment (lawn mowers, tillers, chain saws, etc.) within a Community Business (CB) zoning district. This Special Use Permit further authorizes the operation of a feed and seed store on the site; however, no on-site milling activities shall be permitted. Property shall be developed in substantial conformance with concept plan dated February 12, 2009.

2. Limited outdoor storage of fencing materials, merchandise, or supplies shall be permitted to be located only in a rear yard adjacent to the building and shall comply with Section 10-29(7)(a) of the Montgomery County Code. Screening of outdoor storage shall consist of privacy or chain link fencing. If screened by chain link fencing, storage area shall be further screened with a double offset row of evergreen trees at least six (6) feet in height at time of planting. The rows shall be 15' feet apart, per sketch provided dated February 12, 2009, and attached. Screening of outdoor storage shall be completed prior to initiating the uses allowed by this special use permit.
3. No storage containers used for shipping purposes, nor truck compartments or trailers shall be stored or otherwise used on the premises.
4. Exterior lighting shall comply with Section 10-46(9) of the Montgomery County Code. Exterior lighting shall be permitted after business hours, provided that the lighting is shielded to prevent glare and light pollution on adjacent properties and the Right-of-Way.
5. Signage for the site shall be limited to no more than 150 square feet in area and compliant with Section 10-45 of the Montgomery County Code.
6. Owner shall provide Health Department approval for all proposed on-site activities prior to approval of the required site plan.

The property is located at 4338 Prices Fork Road, and is identified as Tax Parcel No(s). 51-A-101, 101A (Acct No. 013755), in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Mixed Use in the Village of Prices Fork in the Comprehensive Plan.

ISSUE/PURPOSE: At their regular meeting on February 11, 2009, the Planning Commission recommended approval to the Board of Supervisors. See TAB I.

**C. SUBJECT: SPECIAL USE PERMIT – OAK FOREST
MHP, LLC**

**R-FY-09
SPECIAL USE PERMIT
OAK FOREST MHP, LLC (AGENT: GAY & NEEL, INC.)
FOR THE PURPOSE OF AMENDING A SPECIAL USE PERMIT APPROVED
ON FEBRUARY 23, 2004 BY THE BOARD OF SUPERVISORS
IN THE PRICES FORK MAGISTERIAL DISTRICT (DISTRICT E)
PARCEL ID 016259; TAX MAP NUMBER 66-A-98**

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Board of Supervisors does hereby amend and approve the Special Use Permit (SUP) for the property identified as parcel ID 016259, Tax Map Number 66-A-98 owned by Oak Forest MHC, LLC, that was previously approved on February 23, 2004 for Oak Forest MHC, LLC by the Board of Supervisors with the following conditions:

1. The previous Special Use Permit (SUP) approved February 23, 2004 is hereby repealed and replaced by this Special Use Permit.
2. This Special Use Permit (SUP) authorizes the build-out (expansion) of Oak Forest Mobile Home Park to a maximum of 214 units (18 additional) and construction will be in substantial conformance with the Conceptual Plans Titled “Oak Forest Mobile Home Park Conceptual Plan” consisting of sheets 1 through 3 by Gay and Neel, Inc. dated 09/02/08, last revised 12/08/08(PLANS). Development shall comply with sheet 1 and with either sheet 2 or 3. Oak Forest MHC, LLC shall advise the zoning administrator prior to starting the improvements and obtaining building permits for any additional units whether construction will be in substantial compliance with sheets 1 and 2 or with sheets 1 and 3.
3. Final development plans complying with the above mentioned PLANS shall be approved by the zoning administrator prior to the issuance of building permits for the installation of mobile homes on new spaces.
4. A bus shelter shall be constructed and maintained by the developer as close as practicable to the intersection of the park access drive and High Top Road. The bus shelter shall be no less than ten (10) and no more than sixty (60) feet from the public R/W of Hightop Road. The bus shelter design shall be approved by the Montgomery County Public Schools. Off street parking shall be provided as shown on the PLANS. Additional recreation amenities and asphalt trails linking the bus shelter to the proposed parking

and the overflow parking shall be constructed in accordance with the PLANS prior to any building permits being issued for the placement of any additional mobile home units.

5. The bus shelter shall generally be of block and frame construction with a shed style roof and enclosed on a minimum of three sides with materials that allows a clear view inside the bus shelter from all sides of the bus shelter. The shelter shall provide a minimum of 80 square feet of enclosed space.
6. The amenities as shown on the PLANS shall be constructed and maintained by the developer and approved by the zoning administrator prior to any building permits being issued for the installation of any new units approved under the SUP. These amenities include the proposed recreation amenities, trails, bus shelter, cross-walks, and off-street parking as shown on the PLANS.
7. Final development plans shall include fire hydrant locations. Hydrants shall be installed throughout the park so that no mobile home is more than 500 feet by road, from a hydrant, subject to engineering constraints. Fire protection shall be installed prior to the rental of any mobile homes over 186 units. Fire hydrants shall be tested and maintained by the Montgomery County PSA in accordance with Section 11(d) of the water and sewer regulations adopted August 4, 2008 as amended. All necessary fees for maintaining the hydrants shall be paid by property owner to Montgomery County PSA.
8. Oak Forest MHC, LLC shall pay any additional costs to increase the size of the current drainage pipe located under Merrimac Road (State Rte. 657) upon replacement by the Virginia Department of Transportation. The sizing of the pipe is to be determined by the Virginia Department of Transportation to adequately address drainage in the area. Oak Forest, MHC, LLC shall provide any necessary drainage easements on property they own on either side of Merrimac Rd. as determined by VDOT to ensure proper drainage.
9. The existing detention pond within the park shall be restored to the original design conditions as described in plans dated March 7, 1986 and accompanying Erosion & Sediment Control Narratives. Storm water detention pond shall be maintained in accordance with the executed agreement, dated February 1, 2006 (Inst. No. 06001930).

The property is currently known as Oak Forest Mobile Home Park located at 1156 Hightop Road, and is identified as Tax Parcel No(s). 66-A-98 (Acct No. 016259), in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan.

ISSUE/PURPOSE: At their regular meeting on January 14, 2009, the Planning Commission recommended approval to the Board of Supervisors. See TAB J.

D. SUBJECT: JOINT ECONOMIC DEVELOPMENT AND GROWTH SHARING AGREEMENT

**R-FY-09-
RESOLUTION APPROVING JOINT ECONOMIC DEVELOPMENT
AND GROWTH SHARING AGREEMENT WITH
THE TOWN OF CHRISTIANSBURG, VIRGINIA**

WHEREAS, Pursuant to the authority contained in Section 15.2-1301 of the 1950 Code of Virginia, as amended, the County of Montgomery, Virginia and the Town of Christiansburg, Virginia, negotiated a Joint Economic Development and Growth Sharing Agreement (“Growth Sharing Agreement”) whereby the Town of Christiansburg agrees to share certain tax revenues with the County in the area referred to as Woody/Wheatland/Hairston and Arbor View Lands shown more particularly on the plat entitled “Plat of Survey of Revised Corporation Line for the Town of Christiansburg Located in Shawsville Magisterial District Montgomery County, Virginia (Sheet 2 of 2)” dated February 22, 2007; and

WHEREAS, The Commission on Local Government has reviewed the proposed Growth Sharing Agreement as provided for in Section 15.2-2903 of the 1950 Code of Virginia, as amended, and the Commission issued a report stating there were no reasons why the County and Town should not adopt the Growth Sharing Agreement; and

WHEREAS, As required by Section 15.2-1301 of the 1950 Code of Virginia, the County of Montgomery advertised and held a public hearing at its February 23, 2009, Board of Supervisors meeting, to hear citizen comments on the Board of Supervisors intent to adopt the Growth Sharing Agreement with the Town of Christiansburg; and

WHEREAS, The Board of Supervisors desires to enter into the Growth Sharing Agreement with the Town of Christiansburg.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby approves the Joint Economic Development and Growth Sharing Agreement with the Town of Christiansburg, Virginia and authorizes Annette S. Perkins, Chair, to sign the Growth Sharing Agreement on behalf of the County of Montgomery, Virginia.

ISSUE/PURPOSE: Resolution approving the Joint Economic Development and Growth Sharing Agreement with the Town of Christiansburg and authorizing the Chair to sign the Agreement on behalf of Montgomery County. See TAB K for a copy of the Joint Economic Development and Growth Sharing Agreement.

XII. NEW BUSINESS

A. SUBJECT: RESOLUTION ADOPTING THE TAX RATE FOR 2009

**R-FY-09-
RESOLUTION SETTING THE
REAL ESTATE AND PERSONAL PROPERTY
TAX RATES FOR CALENDAR YEAR 2009**

WHEREAS, The Real Estate tax rate for the County of Montgomery for Calendar Year 2008 is 71 ¢ per \$100 of the assessed valuation of real estate based on 100% fair market value; and

WHEREAS, For Calendar Year 2008, the personal property tax rates for Tangible Personal Property is \$2.45, Machinery and Tools is \$1.82, and Merchants Capital is \$3.05, all based on \$100 of assessed valuation; and

WHEREAS, The Board of Supervisors has decided to not raise the tax rates and keep the Real Estate tax rate and the personal property tax rates for tangible personal property, machinery and tools, and merchants capital the same for Calendar Year 2009.

NOW THEREFORE BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board hereby sets the Real Estate tax rate at the current rate of **71¢** Per \$100 of the assessed valuation of real estate based on 100% of fair market value.

BE IT FURTHER RESOLVED, By the Board of Supervisors that the Commissioner of Revenue of Montgomery County, Virginia be, and she is hereby ordered to levy, beginning January 1, 2009 and ending December 31, 2009 the sum of **71¢** Per \$100 of the assessed valuation of real estate based on 100% of fair market value.

BE IT FURTHER RESOLVED, By the Board of Supervisors that the Board of Supervisors hereby set the tax rates for the below referenced personal property taxes at their current rates and the Board instructs the Commissioner of Revenue to levy these personal property taxes for Calendar Year 2009 based on the following rates:

<u>Category</u>	<u>Tax Rate Per \$100 of Assessed Valuation</u>
Tangible Personal Property	\$2.45
Machinery and Tools	\$1.82
Merchants Capital	\$3.05

BE IT FURTHER RESOLVED, By the Board of Supervisors that the Treasurer of Montgomery County, Virginia is hereby directed to collect the taxes so assessed, and the Clerk of the Board shall forward a copy of this order to said Commissioner of Revenue and the Treasurer.

ISSUE/PURPOSE: To set the tax rate for real estate and other property taxes. These rates are the current rates for property taxes and represent no tax increase.

**B. SUBJECT: ADVERTISE THE PROPOSED
FY 2009-2010 BUDGET**

**R-FY-09-
RESOLUTION TO AUTHORIZE
ADVERTISING THE PROPOSED
FY 10 BUDGET AS PROPOSED BY
THE COUNTY ADMINISTRATOR**

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby authorizes the County Administrator to advertise the proposed budget for FY 10 in the amount of \$_____ as proposed by the County Administrator.

ISSUE/PURPOSE: Advertise the Proposed FY 2009-2010 Budget.

C. SUBJECT:

**ACCEPT RESIGNATION OF COUNTY
ADMINISTRATOR AND APPOINTING AN
INTERIM**

R-FY-09-

**RESOLUTION ACCEPTING THE RESIGNATION OF
B. CLAYTON GOODMAN, III AS COUNTY ADMINISTRATOR
AND APPOINTING L. CAROL EDMONDS
INTERIM COUNTY ADMINISTRATOR**

WHEREAS, B. Clayton Goodman, III has submitted his resignation to the Board of Supervisors as County Administrator effective 12:01 a.m. eastern time Saturday, March 14, 2009; and

WHEREAS, The Board of Supervisors desires to appoint L. Carol Edmonds as Interim County Administrator effective 12:01 a.m. eastern time Saturday, March 14, 2009, until such time that a new County Administrator is appointed by the Board.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby accepts B. Clayton Goodman, III's resignation as Montgomery County Administrator effective 12:01 a.m. eastern time Saturday, March 14, 2009.

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board hereby appoints L. Carol Edmonds as Interim Montgomery County Administrator effective 12:01 a.m. eastern time Saturday, March 14, 2009, until such time that the Board appoints a new County Administrator.

ISSUE/PURPOSE: Accept the resignation of the County Administrator and appoint an interim County Administrator.

D. SUBJECT:

**RESOLUTION SUPPORTING NEW RIVER
VALLEY COMMUNITY SERVICES
APPLICATION FOR A FEDERAL GRANT**

R-FY-09

**NEW RIVER VALLEY COMMUNITY SERVICES
REQUEST FOR MONTGOMERY COUNTY
TO SERVE AS AGENT FOR A FEDERAL GRANT**

WHEREAS, Montgomery County has been asked to serve as the agent for a federal grant application in partnership with the New River Valley Community Services (NRVCS); and

WHEREAS, Montgomery County would pass through the monies to the NRVCS for a Justice and Mental Health Program grant to support justice and mental health collaborations with our local law enforcement community and mental health consumers; and

WHEREAS, If funded the grant will provide up to \$50,000 for bringing together stakeholders from the 14 law enforcement agencies in the New River Valley, NRVCS, the Mental Health Association of the New River Valley, and mental health consumers and advocates.

WHEREAS, The NRVCS would have full responsibility for the management, reporting, services, compliance and audit of these federal grant monies and the County, as the applicant, would assign these responsibilities to the NRVCS, serving as a sub-recipient through a Memorandum of Understanding.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that Montgomery County agrees to serve as the applicant for this grant on behalf of the New River Valley Community Services who would administer all aspects of the grant.

FURTHER, BE IT RESOLVED, That Montgomery County, as applicant for these grant funds on behalf of the New River Valley Community Services, makes no commitment now or in the future to continue with County funds any services created using the grant monies after the grant funds are terminated.

ISSUE/PURPOSE:

Resolution supporting NRVCS's application for federal grant funding through the Bureau of Justice Assistance and to act as the fiscal agent.

JUSTIFICATION:

At the direction of the federal funding agency, the New River Valley Community Services contacted Montgomery County to ask that the County serve as the applicant for these monies since only state or local governments are permitted to make application.

Representative of the NRVCS met with local law enforcement agencies to seek their support with the Montgomery County Sheriff's Department agreeing to serve as the criminal justice partner in the application process.

The application is due March 12, 2009 which is why it is included on this meeting agenda. Should the Board not desire for the County to serve in this capacity, the NRVCS would need to locate another applicant to submit the grant. See TAB L for a copy of the letter from NRVCS and letter from Sheriff Whitt supporting this application.

XIII. COUNTY ATTORNEY'S REPORT

XIV. COUNTY ADMINISTRATOR'S REPORT

1. Historic Tax Credits (TAB M)
2. Rural Additions – Big Vein Road (TAB N)

XV. BOARD MEMBERS' REPORT

1. Supervisor Marrs
2. Supervisor Biggs
3. Supervisor Politis
4. Supervisor Muffo
5. Supervisor Creed
6. Supervisor Brown
7. Supervisor Perkins

XVI. OTHER BUSINESS

XVII. ADJOURNMENT

FUTURE MEETINGS

Adjourned Meeting
Monday, March 23, 2009
6:00 p.m. – Closed Meeting Items
7:15 p.m. Regular Agenda

Regular Meeting
Monday, April 13, 2009
6:00 p.m. – Closed Meeting Items
7:15 p.m. Regular Agenda

Adjourned Meeting
Monday, April 27, 2009
6:00 p.m. – Closed Meeting Items
7:15 p.m. Regular Agenda